

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. 550-392

Debyser et al

C# M#

Serial No. 09/403,625

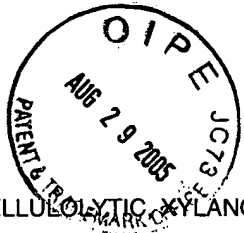
TC/A.U.: 1652

Filed: February 7, 2000

Examiner: Fronda

Date: August 29, 2005

Title: INHIBITORS OF CELLULOXYLANOLYTIC AND BETA-GLUCANOLYTIC
ENZYMES



JP
AF

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

☐ **Correspondence Address Indication Form Attached.**

☐ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences
from the last decision of the Examiner twice/finally rejecting
applicant's claim(s).

\$500.00 (1401)/\$250.00 (2401) \$

☐ An appeal **BRIEF** is attached in the pending appeal of the
above-identified application

\$500.00 (1402)/\$250.00 (2402) \$

☐ Credit for fees paid in prior appeal without decision on merits

-\$ ()

☒ A reply brief is attached.

(no fee)

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$120.00 (1251)/\$60.00 (2251)

Two Month Extensions \$450.00 (1252)/\$225.00 (2252)

Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)

Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$



"Small entity" statement attached.

Less month extension previously paid on

-\$ ()

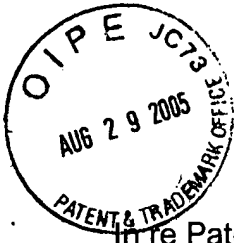
TOTAL FEE ENCLOSED \$ 0.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or
asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this
firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

In re Patent Application of

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Atty. Ref.: 550-392

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For: INHIBITORS OF CELLULOLYTIC, XYLANOLYTIC AND BETA-GLUCANOLYTIC
ENZYMES

* * * * *

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Sir:

REPLY BRIEF

The Appellant submits the present Reply Brief, pursuant to 37 CFR § 41.41, in response to the Examiner's Answer dated June 29, 2005.

Applicable procedure – the claims do not stand or fall together

On page 2 of the Examiner's Answer mailed June 29, 2005, the Examiner states that

"claims 48-50, 52-56 and 65-68 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7)."

The Board will appreciate however that as the Notice of Appeal filed February 10, 2005 and the Appeal Brief filed April 8, 2005, were filed after the September 13, 2004

effective date of Rules of Practice Before the Board of Patent Appeals and Interferences published in the Federal Register (69 FR 49960, August 12, 2004), the Appeal Brief is believed to have been properly filed pursuant to 37 CFR § 41.37, which does not require a statement that claims do not stand or fall together to argue separate patentability. In fact, the Examiner acknowledges the appellants' arguments pursuant to 37 CFR § 41.67(vii), ¶2, 2nd sentence, on pages 5-6 of the Examiner's Answer dated June 29, 2005.

Claims 48-50, 52-56 and 65-68 do not stand or fall together for lack of a statement required by the previous and inapplicable Rule 1.92(c)(7) (i.e., 37 CFR § 1.92(c)(7)). Clarification of the record in this regard is requested for the convenience of the Board.

Conclusion

For the reasons provided in the entire record, including the appellants' Appeal Brief filed April 8, 2005, reversal of the 35 U.S.C. § 112, first paragraph "written description", rejection of claims 48-50, 52-56 and 65-68 is requested.

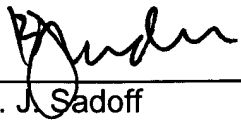
The application is submitted to be in condition for allowance and Reversal of the Final Rejection is requested.

Debyser et al
Serial No. 09/403,625
REPLY BRIEF
August 29, 2005

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


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